

Rejections Under 35 U.S.C. §103(a)

Claims 1-3, 5-7, 9-14, 16-20, and 23-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,985,934 to Armstrong et al. (hereinafter “Armstrong”) in view of U.S. Patent Application Publication No. 2002/0019831 naming Wade, W. (hereinafter “Wade”).

Claims 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Armstrong in view of Wade further in view of U.S. Patent No. 6,262,724 to Crow et al. (hereinafter “Crow”).

The above rejections are respectfully traversed. Nevertheless, in the interest of expediting allowance of the subject application, and without conceding the propriety of the outstanding rejections, claims 1-3, 5, 8-11, 13, 14, 16-21, 24, 25, 27, and 28 have been amended in accordance with the interview on April 13, 2010.

The above rejections, if applied to claims 1-3, 5-21, and 23-28 (as amended), would be improper because none of the above references, whether alone or in combination, disclose, teach, or suggest all the features recited, respectively, in these claims. For example, claim 1 as amended recites a method comprising (emphasis added):

- receiving an indication, ***in response to a request for access to a rich media presentation by an internet browser on a network device***, over a network that the internet browser on the network device has requested access to the rich media presentation;
- ***in response to receiving an indication***, detecting one or more attributes of one or both of the internet browser’s rich media capabilities and the network device’s rich media capabilities; and
- selecting a rich media presentation to be sent to the internet browser from among a plurality of rich media presentations based on the detected one or more attributes, the selected rich media presentation

including a media package and a virtual player, selected based on the detected one or more attributes, configured to play the media package on the network device.

5 The above references do not disclose “receiving an indication, *in response to a request for access to a rich media presentation by an internet browser on a network device*” or “*in response to receiving an indication*, detecting one or more attributes of one or both of the internet browser’s rich media capabilities and the network device’s rich media capabilities” because Armstrong uses “polling” to
10 determine “the availability of software and/or hardware necessary for the display of rich media content.” Armstrong, abstract.

 In contrast, claim 1 as amended recites “receiving an indication, *in response to a request for access to a rich media presentation by an internet browser*.” Thus, for the sake of argument only, even if Armstrong did disclose an
15 “indication,” the “indication” would be in response to polling and not “in response to a request for access to a rich media presentation” as recited in claim 1. Further, as discussed in the Interview, Armstrong’s polling would consume processing resources on the client and the server, as well as, consuming network bandwidth. For at least the foregoing reasons, removal of the rejection to claim 1 is requested
20 and allowance is solicited.

 The rejections directed to claims 2, 3, 5-21, and 23-28 are also improper based on similar rationales. Removal of the pending rejections is requested and allowance is earnestly solicited.

Conclusion

Applicant requests reconsideration of all stated rejections, and requests issuance of a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 4/27/10

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